

FILED

DEC 22 2003

R.
12-8-03

**BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA**

**NEBRASKA DEPARTMENT
OF INSURANCE**

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
)
PETITIONER)
)
vs.)
)
BONITA HILMER)
)
RESPONDENT.)

CONSENT ORDER

CASE NO. A-1517
Dec 17, 2003 ACCT# 8521 \$200.00
NO-INVOICE TRAN# 1251779
HILMER, BONITA J
CHECK# 2261

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Martin W. Swanson and Bonita Hilmer, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4047, et. seq.
2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACTS

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Bonita Hilmer, Cause Number A-1517, on September 19, 2003. A copy of the amended petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.
2. Respondent violated Neb. Rev. Stat. §44-5905(2)(a), which states that every company or person from whom information is sought and its officers, directors, employees and

agents shall provide to the examiners appointed under subsection (1) of this section timely, convenient, and free access to all books, records, accounts, papers, documents, and computer or other recordings relating to the property, assets, business and affairs of the company being examined. Pursuant to Neb. Rev. Stat. §44-405-(1)(b) the director may suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy an administrative fine for any one or more of the following causes: Violating any insurance law or violating any rule, regulations, subpoena, or order of the director or of another state's insurance commissioner or director. Respondent violated the aforementioned statute as a result of the following conduct:

- a. On September 5, 2003, a letter was sent to Respondent by Reva Vandervoorde (Vandervoorde), market Conduct Examination Supervisor of the Nebraska Department of Insurance informing her that market conduct examination (examination) of her insurance agency was to occur pursuant to Nebraska law. The examination would cover the time period from January 1, 2000 through September 5, 2003.
- b. On September 8, 2003, Vandervoorde received a telephone call from respondent. Vandevooorde informed Respondent that the examination would occur September 10, 2003 in Newman Grove. Respondent informed Vandervoorde that she would not be available for the examination at her place of business on September 10, 2003. Respondent said that she would be in Omaha for a seminar on September 10, 2003 and then was going to Lincoln on September 11th and 12th for a medical examination. Vandervoorde informed Respondent that if she was going to be near the Lincoln area, that

Respondent could produce her records and appear in Lincoln on that date.

Respondent did not appear.

- c. Respondent finally delivered her records to the Department of Insurance on September 24, 2003 by U.S. Mail.

3. Respondent was informed of her right to a public hearing. Respondent waives that right enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving her right to a public hearing, Respondent also waives her right to confrontation of witnesses, production of evidence and judicial review.

CONCLUSIONS OF LAW

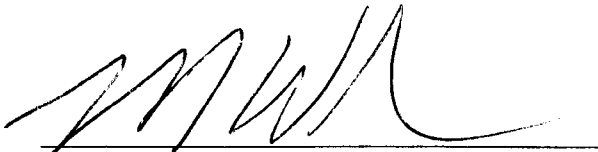
Respondent's conduct as alleged above constitutes a violation of Neb. Rev. State. §44-5905(2)(a).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Bonita Hilmer, that Respondent shall pay an administrative fine of no less than two hundred dollars (\$200) and that her license as an insurance producer is suspended for twenty (20) days. Respondent shall pay the fine within thirty days of approval of this consent agreement by the Director of Insurance. The Director of Insurance hereby grants consent to Respondent allowing her to engage in the business of insurance as contemplated by 18 U.S.C. §1033(e) upon Respondent's successful completion of the terms of the Consent Order as recited above. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary. If Respondent fails, after signing of this agreement, to perform any of the tasks

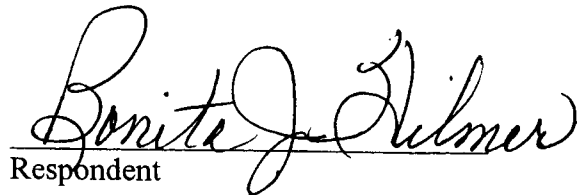
assigned by this Consent Order, Respondent shall be held in contempt of this order and subject to further administrative penalties as allowed by law.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.



Martin W. Swanson #20795
Nattorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lindoln, Nebraska 68408
(402) 471-2201

December 4, 2003
Date



Respondent

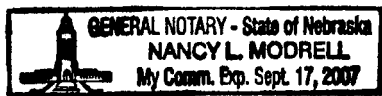
December 11, 2003
Date
Attorney for Respondent

Geo. H. Mayhew

Dec. 17, 2003
Date

State of Nebraska)
County of Madison) ss.

On this 11th day of December, 2003 Bonita Hilmer personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be ~~his~~ her voluntary act and deed.



Nancy L. Modrell
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Bonita Hilmer, Cause No. A-1517.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner
L. TIM WAGNER
Director of Insurance

12/22/03
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at 800 East Burrows Avenue, Newman Grove, Nebraska 68758, by certified mail, return receipt requested on this 23rd day of December, ~~November~~, 2003.

Tracy A. Schuch